

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

WINDMILL WELLNESS RANCH, L.L.C.,	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	SA-19-CV-1211-OLG (HJB)
	§	
BLUE CROSS AND BLUE SHIELD	§	
OF TEXAS, A DIVISION OF HEALTH	§	
CARE SERVICE CORPORATION, et al.,	§	
	§	
Defendants.	§	

**SCHEDULING ORDER**

Pursuant to Rule 16, Federal Rules of Civil Procedure, in consideration of the parties' Joint Proposed Scheduling Recommendations (Docket Entry 198), and consistent with the Scheduling Conference held on today's date, the following dates are entered to control the course of this case:

1. Parties asserting claims for relief must submit a written offer of settlement to opposing parties on or before **April 11, 2024**, and each opposing party must respond, in writing on or before **April 25, 2024**.
2. The deadline to complete threshold discovery (*see* Docket Entry 198, at 1) is **May 28, 2024**.
3. Administrative records for claims governed by ERISA may be produced on a rolling basis but must be produced no later than **June 28, 2024**.
4. Plaintiff must serve objections, if any, to the administrative records within 30 days after those administrative records are produced. At the time of any objection, Plaintiff will identify and serve any additional documents it contends should be included in a particular administrative record.
5. Any disputes regarding any administrative record must be attempted to be resolved between the parties. If such disputes cannot be resolved by the parties, any remaining disputes must be raised with the Court no later than **August 23, 2024**.

6. All parties asserting claims for must FILE their designation of testifying experts and SERVE on all parties, but not file the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **August 30, 2024**. Parties resisting claims for relief shall FILE their designation of testifying experts and SERVE on all parties, but not file the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **September 17, 2024**. All designations of rebuttal experts, to the extent not already served, shall be SERVED, within 14 days of receipt of the report of the opposing expert.

An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 must be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within (14) days of receipt of the written report of the expert's proposed testimony, or within (14) days of the expert's deposition, if a deposition is taken, whichever is later.

7. The parties must mediate their claims on or before **October 18, 2024**, unless the parties seek an order from the Court excusing them from mediation.

8. Opening motions for judgment on the administrative record must be filed by **November 19, 2024**. Each administrative record upon which a motion for judgment is being filed must be filed simultaneously with the corresponding motion for judgment.

9. Responses to motions for judgment on the administrative record must be filed by **December 6, 2024**.

10. Any replies in support of motions for judgment on the administrative record must be filed by **December 20, 2024**.

11. Any hearings on any motion for judgment will be scheduled by the Court by separate order.

It is so **ORDERED**.

**SIGNED** on February 16, 2024.

  
Henry J. Bemporad  
United States Magistrate Judge